

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
July 27, 2010

In the Matter of O. L. BOWZER, Minor.

No. 296069
Jackson Circuit Court
Family Division
LC No. 08-000484-NA

Before: MURRAY, P.J., and DONOFRIO and GLEICHER, JJ.

PER CURIAM.

Respondent mother appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) (conditions of adjudication continue) and (g) (failure to provide proper care or custody). Because clear and convincing evidence supported termination of respondent's parental rights under MCL 712A.19b(3)(c)(i) and (g), and termination was in the child's best interests, we affirm.

Termination of parental rights requires a finding that at least one of the statutory grounds under MCL 712A.19b(3) has been established by clear and convincing evidence. *In re Trejo*, 462 Mich 341, 350, 356-357; 612 NW2d 407 (2000); *In re B&J*, 279 Mich App 12, 17; 756 NW2d 234 (2008). The trial court must then order termination of parental rights if it finds that termination is in the child's best interests. MCL 712A.19b(5). Trial court findings are reviewed for clear error. MCR 3.977(J); *Trejo*, 462 Mich at 356-357; *B&J*, 279 Mich App at 17. A finding is clearly erroneous if the reviewing court has a definite and firm conviction that a mistake was committed, giving due regard to the trial court's opportunity to observe the witnesses. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); *B&J*, 279 Mich App at 17-18.

The record reveals significant support for the trial court's findings and analysis. The court correctly observed that respondent's periods of sobriety and stability were not prolonged, and at other times she relapsed and "spiraled out of control." While the court gave her numerous chances and 22 months to improve her stability and remain drug-free, each time she relapsed, ceased complying, or failed to follow through with services. Further, despite therapy, counseling, and treatment with psychiatric medication, respondent continued to suffer from serious mental health issues. The court did not clearly err in finding clear and convincing evidence to terminate respondent's parental rights under MCL 712A.19b(3)(c)(i) and (g).

We likewise find no clear error in the court's finding that termination of respondent's parental rights was in the minor child's best interests. MCR 3.977(J); MCL 712A.19b(5); *Trejo*, 462 Mich at 356-357. The child needs a stable, permanent, drug-free home, which respondent

cannot provide. In nearly two years, respondent was not able to remain stable in her mental health, housing, or substance abuse. Further, despite services, issues of domestic violence were not rectified. Respondent's situation, especially her relapses, adversely impacted her child, who was forced into the position of caretaker. The trial court considered appropriate factors and did not clearly err in its best interests ruling.

Affirmed.

/s/ Christopher M. Murray

/s/ Pat M. Donofrio

/s/ Elizabeth L. Gleicher